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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,970	10/20/2008	Olli Rantapuska	P3262US00	7536
11764	7590	05/16/2011		
Ditthavong Mori & Steiner, P.C. 918 Prince Street Alexandria, VA 22314			EXAMINER SIDDIQUI, KASHIF	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 05/16/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary	Application No. 10/576,970	Applicant(s) RANTAPUSKA ET AL.	
	Examiner KASHIF SIDDIQUI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Drafts, Person's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 21, 22, and 34 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim(s) is/are NOT directed to a process, machine, manufacture or composition of matter. The claimed computer program products are non-structural per se, and the specification discloses a "software" embodiment (e.g. page 7, lines 10-25; comprising is open ended and no disclosure of statutory elements of claimed product are given). Therefore, a reasonable interpretation in light of the specification leads to the conclusion that the claim encompasses pure software, which does not fall within the definition of a process, machine, manufacture or composition of matter. Examiner suggests amending the claims to recite "A non-transitory computer program product" or "a non-transitory computer usable medium/program code" where appropriate. See Official Gazette Notice 1351 OG 212 (February 23, 2010).

3. Claims 23 and 35 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim(s) is/are NOT directed to a process, machine, manufacture or composition of matter. The claimed "computer data signal" does not fall within the definition of a process, machine, manufacture or composition of matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2, 4-9, 12-23, and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by US 20020143855 A1 to Traversat, Bernard A. et al.**

Re: Claim 1

Traversat discloses a method for enabling quasi peer-to-peer data connectivity in cellular communication networks (Abstract, 0025, 0030, 0075; system and method for allowing peers to exchange messages with other peers via a relay peer establishing a virtual connection (i.e. quasi peer-to-peer). Peers can be cell phones),

comprising: receiving data from one mobile terminal which is selected out of a set of mobile terminals participating in a quasi peer-to-peer data communication (0029-0032; one of the peers (therefore one of a set) advertises itself on the relay peer; therefore relay peer receives data);

retrieving information about destination mobile terminals, wherein said destination mobile terminals are mobile terminals of said set of mobile terminals with the exception of said selected mobile terminal (0032; relay peer maintains information on routes to other peers, therefore retrieves information about the peers for routing purposes);

and transmitting said received data to said destination mobile terminals in accordance with said information about said destination mobile terminals (0032, relay peer uses information on routes to other peers to relay messages to their destination).

Re: Claim 2

Traversat discloses wherein said quasi peer-to-peer data communication is associated with a relay session for handling data communication between mobile terminals of said set of mobile terminals, wherein said relay session needs to be established by an initiating mobile terminal (0029-0032; one of the peers advertises itself on the relay peer; therefore established by an initiating peer (e.g. mobile terminal)).

Re: Claim 4

Traversat discloses wherein each of said mobile terminals of said set of mobile terminals with the exception of said initiating terminal are joining to said relay session to participate in said quasi peer-to-peer communication (Abstract; relay peer serves to allow peers inside a partition to have a presence outside of the partition so that peers

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outside the partition may communicate with peers inside the partition (i.e. join relay session).

Re: Claim 5

Traversat discloses wherein said joining to said relay session comprises: receiving a request for signing-up in said relay session from a signing-up mobile terminal, wherein said request for signing-up comprises at least said session identifier; and joining said signing-up mobile terminal to said relay session identified by said session identifier such that said signing-up mobile terminal becomes one mobile terminal out of said set of mobile terminals (see claim 4 and 0075-0077; peers can discover each other [via the advertisements that contain the group ID] and form a peer group. It is implicit that in order for a peer to join a particular group, the group ID (i.e. session identifier) would be included in the request to join).

Re: Claim 6

Traversat discloses wherein said mobile terminals of said set of mobile terminals authenticate before participating in said quasi peer-to-peer communication (0357-0359; authenticator and/or security credentials may be used to provide protection in the peer-to-peer platform).

Re: Claim 8

Traversat discloses wherein said mobile terminals of said set of mobile terminals communicate via a protocol out of group of protocols comprising at least transmission control protocol (TCP) and user datagram protocol (UDP) (0147; TCP/IP and UDP supported for messaging. TCP/IP and UDP are connection-based and connectionless packet switched protocols respectively).

Re: Claim 14

Traversat discloses inviting said at least one other mobile terminal to participate in said quasi peer-to-peer data communication by transmitting a request for invitation to said at least one other mobile terminal such that said at least one other mobile terminal is enabled to join to said relay session, wherein said request for invitation comprises at least said session identifier that is associated with said relay session (Fig. 7, 0193-0194; peer group advertisement includes a group ID. Initiator of the peer group publishes the advertisement (e.g. to the relay peer) and other peers receive the advertisements (i.e. invitations).

Re: Claim 16

Traversat discloses wherein said request for invitation is communicated via a peer-to-peer communication mechanism, particularly via a peer-to-peer messaging mechanism (0145-0147, messaging layer used to provide peer-to-peer communication, namely TCP/IP or UDP).

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Claim(s) 7, 18, and 19 is/are rejected for the same reasons as set forth in claim 8.

Claim(s) 9, 20, 34, and 35 is/are rejected for the same reasons as set forth in claims 1.

Claim(s) 12, 13, 15, and 33 is/are rejected for the same reasons as set forth in claim 5.

Claim(s) 17 is/are rejected for the same reasons as set forth in claim 6.

Claim(s) 21-23 is/are rejected for the same reasons as set forth in claims 1 and 2.

Claim(s) 32 is/are rejected for the same reasons as set forth in claim 14.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3, 10, 11, and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat as applied to claim 1 above, and further in view of US 20070113269 A1 to Zhang; Junbiao**

Re: Claim 3

Traversat discloses wherein said establishing of said relay session comprises: receiving a request for initiating said relay session from said initiating mobile terminal; wherein said request for initiation at least comprises an instruction to establish a new relay session forming said relay session; wherein said initiating mobile terminal becomes one mobile terminal out of said set of mobile terminals (see claim 1 and Fig. 7,

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peer advertises on the relay peer. Advertisement includes group ID (i.e. session ID)).

Traversat does/do not appear to explicitly disclose transmitting a response to said initiating terminal, wherein said response comprises at least a session identifier associated with said relay session. Rather, the Group ID is defined by the initiator of the peer group and not the relay peer. However, attention is directed to **Zhang** which discloses said limitation (Abstract; AP receives a request from an MT to access a network. The AP associates a session ID with the MT. Local server, via the AP, sends an authentication request to the MT which includes the session ID).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the **Traversat** invention by employing the teaching as taught by **Zhang** to provide the ability for a response to the initiation request to include a session ID. The session ID is analogous to the group ID. The group ID of Traversat is used to establish a peer group (which is a communications session). The session ID is also used to establish a communications session). The motivation for the combination is given by **Zhang** (0001, the invention aims to improve the security and access control over a network; **Traversat** also identifies performing security/authentication and thus **Zhang** merely provides an improvement).

Re: Claim 25

Traversat discloses wherein said protocol handler module is further adapted for parsing said requests and configuring said relay session accordingly (0032; implicit.

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Relay peer maintains a knowledge base about the network topology and establish optimal routes between network entities; therefore configure the relay session).

Re: Claim 26

Traversat discloses a relay session database which is adapted to store and provide information about said relay session (see claim 25).

Re: Claim 27

Traversat does/do not appear to explicitly disclose utilizing a cellular communication interface. However, attention is directed to **Traversat** which discloses (0075) that a peer can be a cellular phone. It is further implied that the peer needs to be connected to some kind of network.

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the **Traversat** invention by employing the teaching as taught by **Traversat** to incorporate a cellular network (and therefore a cellular interface). The motivation is merely utilizing a known type of network for a cellular phone to another known method to achieve predictable results (e.g. using a relay peer in a cellular communications network).

The remaining limitations is/are rejected for the same reasons as set forth in claims 1-5. Further, **Traversat** discloses an application operating on a mobile terminal (0076, peer group is a collection of peers that can share access to applications [on the peer devices]; therefore the peer-to-peer communication would allow sharing (i.e. two

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way communication) of an application on one peer to another peer via the relay peer (which would be over a cellular interface as explained above).

Re: Claim 28

Traversat discloses a dispatcher module for parsing messages received via a peer-to-peer communication mechanism to determine whether said message is a request for invitation; for supplying parsing results to said at least one application to enable said at least one application to employ said quasi peer-to-peer communication (in light of claim 27 above, it would be implicit to have a parser. More than one application can be shared (see **Traversat**; applications can be shared). Therefore the mobile terminal would need to determine which application to share to whom to share said application (i.e. parse the request)).

Re: Claim 29

Traversat discloses a dispatcher database for registering applications operable on said mobile terminal on the basis of application identifiers; wherein said application identifiers is employed to identify said at least one application, which is addressed by said request for invitation (see claim 28 and 0228; content advertisement (i.e. invitation) can include a RefID element which is the content ID of the reference content (i.e. the shared application)).

Claim(s) 10 is/are rejected for the same reasons as set forth in claims 3 and 4.

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Claim(s) 11 is/are rejected for the same reasons as set forth in claim 3.

Claim(s) 24 is/are rejected for the same reasons as set forth in claims 1-5.

Claim(s) 30 is/are rejected for the same reasons as set forth in claims 24 and 27.

Claim(s) 31 is/are rejected for the same reasons as set forth in claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KASHIF SIDDIQUI whose telephone number is (571)270-3188. The examiner can normally be reached on Monday through Thursday 7:30-18:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kent Chang can be reached on (571)272-7667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KASHIF SIDDIQUI

Examiner

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/Kent Chang/

Supervisory Patent Examiner, Art Unit 2617